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UNCLAS SECTION 01 OF 02 MASERU 000400

SIPDIS

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SUBJECT: LESOTHO LACKS RESOURCES TO COMBAT HUMAN TRAFFICKING

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1. SUMMARY. Human Trafficking in Lesotho is not as high profile as it is in other countries and the problem appears to be relatively small in comparison to the situation in some other countries in the region. There is a concern among some Basotho, however, particularly those who work with women and children, that trafficking is going unreported and unnoticed. The police force that handles trafficking incidents receives very few reports. It is unclear whether this is entirely because of a small number of cases, or whether some trafficking is going undetected. Regardless, Lesotho lacks the resources and knowledge to combat trafficking. Law enforcement is stretched, border patrols are inadequate, and the country has high unemployment -- factors that make the country susceptible to trafficking. Most importantly, Lesotho lacks the appropriate laws to counter human trafficking. To help prevent trafficking from becoming a major problem, several steps should be taken. One effective measure, according to those in the field, is to get legislation in place that would deal with this issue. Concurrently, there needs to be an awareness campaign to educate Basotho, particularly women and children, on trafficking. Post has requested funding through Economic Support Funds (ESF) to assist in programs to increase awareness of trafficking. END SUMMARY.

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FEW CASES REPORTED AND PROSECUTED  
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2. The Lesotho Mounted Police Service - Child and Gender Protection Unit (CGPU) is the agency tasked with collecting data on trafficking and processing reports. Yet there are very few cases that are reported to the police involving trafficking. In three years, only two possible cases have been reported and investigated. In 2002, five Basotho girls were recruited for baby-sitting jobs in London by a group of Nigerians. Two of the women, who actually made it to London, reported that when they arrived their passports were taken away. The two women also reported that they were treated poorly and never paid. They managed to flee and return to Lesotho. The other three women never actually made it to London. A Senior Inspector of the CGPU reported that the men involved in this case were never found. In a second case, in 2003, one Basotho man abducted a South African boy to work in Lesotho as a herd boy for no pay. When a third party reported this case, the man was charged with kidnapping because there was no law against trafficking. When offered the option to serve jail time or pay a fine a common provision for punishment for many crimes in Lesotho, he opted for the latter.

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LACK OF RESOURCES  
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3. Law enforcement is stretched too thin in Lesotho. The CGPU lacks adequate training and resources and no specific budget is allocated to this unit. The government does not currently provide any specialized training for border police in how to recognize, investigate, or prosecute instances of trafficking. Furthermore, there is little collaboration among agencies on trafficking (i.e. police, prosecutors, the Ministry of Justice).

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OPPORTUNITY FOR TRAFFICKING  
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4. Lesotho is a country vulnerable to trafficking for two main reasons: high unemployment and lax border patrol. Currently the rate of unemployment is at least 35%, which prompts many Basotho to search for jobs in neighboring South Africa. Trafficking into South Africa could be particularly easy because some of the borders are open for 24 hours, and night border patrol is especially slack. Lesotho is completely surrounded by South Africa; borders are porous and vulnerable to illegal crossings.

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LACK OF LEGISLATION  
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5. Currently, there is no in Lesotho that directly addresses the problem of exploitative migration. The Child Protection and Welfare Bill is to be reviewed by parliament this year, but this legislation, as indicated by its name, only protects children (age 18 and under). The bill, if enacted and implemented, would provide a legal framework for addressing trafficking of children for exploitation. However, there is no legislation in draft or in place that would protect women against trafficking. Furthermore, there is also the problem of defining human trafficking in law. For example, many Basotho women migrate to South Africa voluntarily with the promise of getting good jobs.

Traffickers could easily deceive women with promises of good jobs and normal wages and gain consent of their victims. Enacting legislation is important because Basotho would then be assured that trafficking is a crime punishable under the law, thereby providing the opportunity for increased reporting and punishment commensurate with the crime.

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LACK OF CULTURE OF LAW  
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16. There is concern among some, for example, Lesotho Children's Counseling Unit (LCCU), an NGO that deals with orphaned and vulnerable children, that even with legislation in place to

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prosecute traffickers, reporting of trafficking will not necessarily increase. Observers at Habitat for Humanity, point to the lack of culture of law in Lesotho. Historically, and even today, people bring their problems and disputes to the local chief. Unfortunately, trafficking is a problem that chiefs cannot tackle without government regulation and civil law. Yet, while there may be laws on the books, many Basotho are not yet "rights conscious." Moreover, victims of trafficking, usually women and children, are less likely to be aware that the actions of traffickers are illegal and should be reported. As in many countries, women and children may be too ashamed or too frightened to report the incident, and even if reported, their cases are seldom taken seriously.

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AWARENESS CAMPAIGN  
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17. An important first step to address this problem, in the opinion of many, including this post, is an awareness campaign. Basotho, especially women and children, need to be educated on their rights. The GOL and NGOs should make a concerted effort to disseminate information that outlines the seriousness of human trafficking. If more Basotho were educated to the effect that trafficking is a crime, which may be punishable under the law, maybe more cases would be reported. While there is currently no government-funded awareness campaign, there has been action coming from civil society. Last month, the Law Reform Commission held workshops to educate parliamentarians on the Child Protection and Welfare Bill and why it needs to be passed. The Commission also held a seminar with local NGOs in an effort to inform the community in Sesotho of the Bill. The coordinator for Women in Law in Southern Africa (WLSA), argues that violence against women is a key human rights issue, and therefore there needs to be a national campaign to educate women of this country about their rights.

18. Post has advocated for an awareness campaign and has applied for two Economic Support Funds (ESF) grants. One proposal, entitled Public Awareness and Capacity Building for Lesotho Stakeholders, Civil Society and NGOs on Trafficking in Persons, would produce campaign products and target vulnerable segments of society. The objective is to expose Basotho to international perspectives on trafficking, in terms of rule of law, legislation, border protection, prevention, prosecution, and victim protection. The program would include public outreach via the media and trained community liaisons into the villages, mountains and urban settlements to inform and educate on combating trafficking in Lesotho. Post was also included in an application by Embassy Pretoria for an ESF grant to sponsor an outreach program that would involve several Southern African countries, in recognition that fighting trafficking needs to be a collaborative effort among countries. The objective would be to expose citizens of Lesotho, Swaziland, Botswana, and South Africa to a U.S. perspective on combating trafficking, and to help develop a dialogue among these countries regarding this issue.

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COMMENT  
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19. Due to a lack of resources and awareness in the country, it is very difficult to conclusively describe the magnitude of the problem of human trafficking in Lesotho. Post believes that the problem is relatively small. However, it is evident that Lesotho lacks the awareness and resources to combat trafficking, or to prevent the possibility of it becoming a serious problem in the future. It is important that the Child Protection and Welfare Bill be passed, but there also needs to be legislation to protect women against trafficking. Post will continue its efforts to encourage passage of such laws. Increasing public awareness of trafficking is also essential, hence post's pending requests to assist in such efforts.

This cable was drafted by State Department Intern Jennifer Norris.

